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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,203	04/12/2004	Richard W. Crabtree		2368
23121 7590 06/05/2007 THE LAW FIRM OF HARRIS & BURDICK HAROLD BURDICK AND ROBERT HARRIS 6676 GUNPARK DRIVE SUITE E BOULDER, CO 80301				
			EXAMINER JOHNSON, VICKY A	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,203

Applicant(s)

CRABTREE, RICHARD W.

Examiner

Vicky A. Johnson

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3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I claims 1-13 in the reply filed on May 9, 2007 is acknowledged. Claims 14-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard (US 2002/0026849).

Bedard discloses a manually engageable control lever device for vehicles having handlebar-type steering that includes at least one handle grip and structure for mounting said device, said device comprising: a main body (40) mountable at the structure and adjacent to the handle grip (see Fig 1), said main body having at least a first flare (46) extending therefrom and adapted for secure engagement by either a user's finger or thumb to cause movement from a variety of user hand positions or angles at the handle grip once said main body is mounted, said main body configured so that said flare is oriented convergently relative to the handle grip once said main

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body is mounted (see Fig 1), with a substantial but variable space defined between said flare and the handle grip during operation of said device (see Fig 1).

Re claim 2, said main body includes a second flare (48) extending from a central portion of said main body opposite said central portion from said first flare and adapted for secure engagement by either a user's finger or thumb to cause movement (see Fig 1).

Re claim 3, said first flare has a length and wherein said main body has an overall length exceeding said length of said first flare (see Fig 1).

Re claim 4, said main body has opposite ends, and wherein said first flare is positioned along said main body length intermediate said ends of said main body (see Fig 2).

Re claim 5, said main body includes a second flare (48) extending from a central portion of said main body intermediate said ends and opposite said central portion from said first flare (see Fig 1), and wherein said second flare and one of said ends of said main body are adapted for secure manual engagement to cause movement (see Fig 1).

Re claim 6, said first flare of said main body defines a surface area characteristic including a digitally engageable cradle and a digitally engagable extension surface (see Fig 1).

Re claim 7, said main body includes pivot connecting structure for pivotable connection of said main body to the structure (see Fig 1).

Re claim 8, the vehicles are snowmobiles (well known) and wherein said main body includes engageable structure for actuator connection with said main body (see Fig 2).

4. Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki (US 5,186,071).

Iwasaki discloses a device for modifying a manually accessible surface area of a motorized vehicle control lever having a distal end and movable toward and away from a handle grip of the motorized vehicle in a plane defined between the handle grip and the control lever, said device comprising a main body (7) including a portion adapted to be mounted at the control lever (see Fig 3), a first flare (13) extending from said portion and adapted for secure engagement by either a user's finger or thumb for lever movement from a variety of user hand positions or angles once said device is mounted (see Fig 3), said portion of said main body contoured to fit the control lever so that said flare extends in a direction substantially normal to the plane of control lever movement (see Fig 3).

Re claim 10, said portion of said main body is of a length selected so that the distal end of the control lever remains manually engageable after said device is mounted (see Fig 3).

Re claim 11, said main body includes a second flare (14) extending from said portion opposite said portion from said first flare and adapted for secure manual engagement by a user (see Fig 3).

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Re claim 12, said first flare and said portion of said main body define a surface area characteristic including a digitally engageable cradle and a digitally engagable extension surface (see Fig 30.

Re claim 13, a mounting unit, and wherein said portion includes an engageable structure for receiving said mounting unit (see Fig 3).

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vicky A. Johnson
Primary Examiner
Art Unit 3682

5/29/87